

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

2011 JAN 11 A 8:33

COMMISSIONERS

GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

ALCO GROUP CORPORATION  
DOCKET CONTROL

In the matter of:

DOCKET NO. S-20773A-10-0493

DAVID COME VIENS (f.k.a. "DAVID  
WARNER COME," "DAVID ZACHERY  
COMBS" & "DAVID ZACHERY"), a single  
man,

**SECURITIES DIVISION'S MOTION TO  
AMEND THE CAPTION**

SCOTT ANDREW KLASCHKA and [REDACTED]  
[REDACTED] husband and wife,

ASSISTED LIVING DEVELOPMENT  
COMPANY, INC., an Arizona corporation,

ALDCO INVESTMENT #2 L.L.C. (d.b.a.  
"CONCORDE ASSISTED LIVING"), an Arizona  
limited liability company,

ALDCO INVESTMENT #3 L.L.C. (d.b.a.  
"ASSISTED LIVING RESIDENCES AT 51"), an  
Arizona limited liability company,

ALDCO INVESTMENT #4 L.L.C. (d.b.a.  
"BRIDGES OF ARCADIA ASSISTED LIVING  
AND MEMORY CARE"), an Arizona limited  
liability company,

ALDCO INVESTMENT #5 L.L.C. (d.b.a.  
"COTTAGES AT COUNTRY CLUB I"), an  
Arizona limited liability company,

ALDCO INVESTMENT #6 L.L.C. (d.b.a.  
"REFLECTION BAY ASSISTED LIVING AND  
MEMORY CARE"), an Arizona limited liability  
company,

ALDCO INVESTMENT #10 L.L.C. (d.b.a.  
"GREAT PLAINS ASSISTED LIVING AND  
MEMORY CARE"), an Arizona limited liability  
company,

Respondent.

Arizona Corporation Commission  
**DOCKETED**

JAN 11 2011

DOCKETED BY

*[Signature]*

1 The Securities Division ("Division") of the Arizona Corporation Commission respectfully  
2 moves the Administrative Law Judge ("ALJ") under A.A.C. R14-3-106(E), for leave to amend the  
3 caption of the Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist,  
4 Order for Restitution, Order for Administrative Penalties and Order for Other Affirmative Action  
5 ("Notice") filed by the Division on December 15, 2010, to confirm to the evidence.

6 The Division has not served the Notice on [REDACTED]. To date, Respondents have  
7 not filed a request for hearing or an answer to the Notice.

8 Under A.A.C. R14-3-106(E), the ALJ has the discretion to allow any formal document to be  
9 amended or corrected.

10 The Division seeks to remove [REDACTED] from the caption. [REDACTED] was  
11 included in the Notice under A.R.S. §44-2031(C) solely for the purposes of determining the  
12 liability of her marital community with Respondent Scott Andrew Klaschka ("Klaschka"). (See,  
13 Notice, ¶13-14).

14 The Division alleges in the Notice that Klaschka violated the Arizona Securities Act  
15 ("Act"), "[f]rom on or about January 11, 2005, to approximately 2010." (*Id.*, ¶19).

16 The Division recently confirmed that on October 1, 2002, [REDACTED] filed for  
17 divorce from Klashka in the Arizona Superior Court, Maricopa County. (See, *In the marriage of*  
18 [REDACTED], *et al.*, FN2002-005350 (Comm. Eve Parks)). On or about February 3, 2003,  
19 Klaschka and [REDACTED]'s marriage was dissolved.

20 Based on the foregoing, the Division requests that the ALJ to grant this motion to amend  
21 the caption of the Notice to remove [REDACTED] from the caption.

22 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of January, 2011.

23 ARIZONA CORPORATION COMMISSION

24 By Mike Dailey  
25 Mike Dailey  
26 Attorney for the Securities Division of the  
Arizona Corporation Commission

1 ORIGINAL AND EIGHT (8) COPIES of the foregoing  
2 filed this 11<sup>th</sup> day of January, 2011 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 COPY of the foregoing hand-delivered  
8 this 11<sup>th</sup> day of January, 2011 to:

9 Mr. Marc E. Stern  
10 Administrative Law Judge  
11 Arizona Corporation Commission/Hearing Division  
12 1200 W. Washington St.  
13 Phoenix, AZ 85007

14 COPY of the foregoing mailed  
15 this 11<sup>th</sup> day of January, 2011 to:

16 David Come Viens  
17 9440 N. Sunset Ridge Drive  
18 Fountain Hills, Arizona 85268  
19 *Respondent*

20 Scott Andrew Klaschka  
21 9513 East Olla Circle  
22 Mesa, Arizona 85212  
23 *Respondent, president and*  
24 *managing member of*  
25 *ALDCO, ALDCO #2,*  
26 *ALDCO #3, ALDCO #4,*  
*ALDCO #5, ALDCO #6, &*  
*ALDCO #10*

By: Veronica S. Sandoval

On October 12, 2011, the Arizona Corporation Commission ordered this document to be placed under seal and maintained in the offices of the Securities Division.